

Collins CIV Cathy

From: Collins CIV Cathy
Sent: Tuesday, October 19, 2010 7:47 AM
To: Adkins SSgt Garvey M; Alexander MSgt Darrin T; Baker MSgt Daniel M; Boone GySgt Nicole C; Boyd MGySgt Bryan E; Britton GySgt Dewan C; Brunson CIV Janet C; Cerka CIV Frances C; Chase Capt Kenny K; Clark GySgt Frederick A; Coetzee CIV Allie; Corcoran LtCol Eric M; Crawford CIV Dale A; Dobbins GySgt Michael W; Drury CIV Deborah A; Gaylor CIV Sherry F; Gubitti CIV Cynthia A; Hake CIV Peggy L; Hart Capt Charles N; Henley CIV June R; Higa CIV Sakura K; Ingle Capt Steven L; Johnson CIV Clark W; Jones CIV Shakara M; Jones MSgt Donald J; King Maj Stephanie D; Knudsen CIV Deborah K; Leach CIV Andrea V; Lemmond CIV Barbara G; Long Capt Eric J; Lovett-Black CIV JoAnna; Matthews CIV Layton D; Mendez SSgt Gilbert; Michael Maj Ronnie D; Mohead MSgt Kacy M; Morris CIV Robert A; Mullen CIV Melvin T; Navarro GySgt Hector M; Owens SSgt Brad E; Patterson SSgt Brent J; Payne CIV Mark H; Pendley CIV Larry F; Polesnak Maj Stephanie M; Powell CIV Hollis H; Rabassi Maj Christopher E; Rego CIV Arthur J; Renfroe MSgt Telly J; Robinson LtCol Macon R (MEF FWD G-4); Schmid LtCol Steven J; Sherman Maj Brad J; Stahl Maj Scott A; Stewart GySgt Robert D; Stroh CIV Linda L; Toncu SSgt Cristian; Tuzon MSgt Norman (MEF FWD G-4); Washington CIV Connie A; Watts GySgt Will W
Cc: M_HQMC_LB; Romano CIV Mark; Oliver CIV R. Kaye; Daise CIV Stanley C
Subject: APM 11-02 Class Deviation 2011-O0001 Public Access to the Federal Awardee Performance and Integrity Information System (FAPIIS)
Attachments: Class Deviation - Public Access to Information in FAPIIS.pdf
Signed By: cathy.collins@usmc.mil

All,

BACKGROUND:

a. The attached DPAP memorandum of 12 October 2010 requires Contracting Officers to use FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters (DEVIATION), in lieu of FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters (APR 2010).

b. This class deviation provides for a transition to public availability of information in FAPIIS, as required by section 3010 of Public Law 111-212. The new clause deviates from FAR clause 52.209-8 as follows:

- . Removes the assurance that, with the exception of the contractor, only Government personnel and authorized users performing business on behalf of the Government will be able to view a contractor's record in FAPIIS.

- . Notifies the contractor that:

1. All information posted in FAPIIS after April 15, 2011, except past performance reviews, will be available to the public.

2. Requests for information that was posted prior to April 15, 2011 will still be handled under Freedom of Information Act.

- . Requires the contractor, at the first semi-annual update after April 15, 2011, to post again any required information that the contractor posted in FAPIIS prior to April 15, 2011, so that it will be available to the public.

POLICY:

a. In accordance with DPAP memorandum, dated 12 October 2010, FAR deviation clause 52.209-8, Updates of Information Regarding Responsibility Matters (DEVIATION), shall be included in all DoD solicitations where the resultant contract value is expected to exceed \$500,000 and in resultant contracts where the offeror has indicated that it has current active Federal contracts and grants with total value greater than \$10,000,000.

b. Effective immediately, Contracting Officers shall use the clause at Attachment 1 of the DPAP memorandum in lieu of FAR clause 52.209-8, Updates Regarding Responsibility Matters (APR

2010). This class deviation remains in effect until incorporated into the FAR or is otherwise rescinded.

PROCEDURES:

a. Ensure the FAR deviation clause 52.209-8, Updates of Information Regarding Responsibility Matters (DEVIATION), is used in lieu of FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters (APR 2010). The new clause shall be used in DoD solicitations where the resultant contract value is expected to exceed \$500,000 and in resultant contracts where the offeror has indicated that it has current active Federal contracts and grants with total value greater than \$10,000,000.

Request this APM be disseminated as widely as possible to activity contracting personnel.

R/cc

John (Jack) Sineath

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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

OCT 12 2010

In reply refer to
DARS Tracking Number: 2011-O0001

MEMORANDUM FOR COMMANDER UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

SUBJECT: Class Deviation—Public Access to Information in the Federal Awardee
Performance and Integrity Information System (FAPIIS)

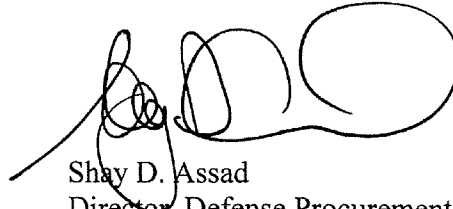
Effective immediately, contracting officers in all departments and agencies shall use the clause at attachment 1 in lieu of FAR clause 52.209-8, Updates Regarding Responsibility Matters (APR 2010). The new clause shall be used in DoD solicitations where the resultant contract value is expected to exceed \$500,000 and in resultant contracts in which the offeror has indicated that it has current active Federal contracts and grants with total value greater than \$10,000,000.

I have approved this class deviation in order to transition to public availability of information in FAPIIS, as required by section 3010 of Public Law 111-212. The clause at attachment 1 deviates from the FAR clause 52.209-8 as follows:

- Removes the assurance that, with the exception of the contractor, only Government personnel and authorized users performing business on behalf of the Government will be able to view a contractor's record in FAPIIS.
- Notifies the contractor that—
 - All information posted in FAPIIS after April 15, 2011, except past performance reviews, will be available to the public.
 - Requests for information that was posted prior to April 15, 2011, will still be handled under Freedom of Information Act

- Requires the contractor, at the first semi-annual update after April 15, 2011, to post again any required information that the contractor posted in FAPIIS prior to April 15, 2011, so that it will be available to the public.

This class deviation remains in effect until incorporated into the FAR or otherwise rescinded. My point of contact is Ms. Lisa Romney, who may be reached at 703-602-8007, or lisa.romney@osd.mil.



Shay D. Assad
Director, Defense Procurement
and Acquisition Policy

2011-00001

Class Deviation - Public Access to FAPIIS

52.209-8 Updates of Information Regarding Responsibility Matters (DEVIATION).

As prescribed at 9.104-7(c), insert the following clause:

**UPDATES OF INFORMATION REGARDING RESPONSIBILITY MATTERS (DEVIATION)
(OCT 2010)**

(a)(1) The Contractor shall update the information in the Federal Awardee Performance and Integrity Information System (FAPIIS) on a semi-annual basis, throughout the life of the contract, by **posting** the required information in the Central Contractor Registration database at <http://www.ccr.gov> (see 52.204-7).

(2) **At the first semi-annual update on or after April 15, 2011, the Contractor shall post again any required information that the Contractor posted prior to April 15, 2011.**

(b)(1) The Contractor will receive notification when the Government posts new information to the Contractor's record.

(2) The Contractor will have an opportunity to post comments regarding information that has been posted by the Government. The comments will be retained as long as the associated information is retained, *i.e.*, for a total period of 6 years. Contractor comments will remain a part of the record unless the Contractor revises them.

(3) **Public access to information in FAPIIS.** (i) ~~With the exception of the Contractor, only Government personnel and authorized users performing business on behalf of the Government will be able to view the Contractor's record in the system.~~ Public requests for system information **that was posted prior to April 15, 2011,** will be handled under Freedom of Information Act procedures, including, where appropriate, procedures promulgated under E.O. 12600.

(ii) **As required by section 3010 of Public Law 111-212, all information posted in FAPIIS on or after April 15, 2011, except past performance reviews, will be publicly available.**

(End of clause)